IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WA.No. 1598 of 2007()

AGAINST THE JUDGEMENT IN WPC.10297/2006 Dated 13/03/2007
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APPELLANT: PETITIONER:

R. THOMAS,
WORKSHOP INSTRUCTOR (RETIRED), MECHANICAL,
CENTRAL POLYTECHNIC COLLEGE, THIRUVANANTHAPURAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT, GOVERNMENT SECRETARIAT,
HIGHER EDUCATION (L) DEPARTMENT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. K.SANDESH RAJA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No. 1598 of 2007
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Dated this the 3rd day of July, 2007.

JUDGMENT

Radhakrishnan,J.

Heard learned counsel for the appellants and learned Government Pleader.

2. Writ Petition, W.P.(C) No.10297 of 2006 was preferred seeking a writ of certiorari to quash Exts.P7 and P14 and for a direction to the respondents to grant the scale of pay of Assistant Lecturer to the petitioner with effect from the date on which he come over to the said post by taking note of the fact that the said post was abolished with effect from 31.5.2000 and also for a declaration that the petitioner is entitled for higher grade in the scale of pay of Rs.6,675 – 10,550 since he was qualified for promotion to the post of Assistant Lecturer before abolition of the said post and for other reliefs. Ext.P7 is the order issued by the second respondent granting the petitioner higher grade only in the scale of pay of Rs.5,500-9,075. Petitioner submits that similarly situated persons were granted the scale of pay of Rs.6,675-10,550. Petitioner filed representation dated 16.5.2005 before the second respondent requesting to grant him the above scale of pay since he is eligible for the said scale of pay of Assistant Lecturer. Since no action has been taken on the said representation, the petitioner sent a reminder on 29.6.2005. Again

since no action was taken, the petitioner approached this Court in WP (C) No.30518 of 2005 and this Court disposed of the Writ Petition directing the respondent to consider the representation taking note of the order issued to the similarly situated persons. The second respondent again rejected the same on 13.1.2006.

3. In such circumstances, we direct the second respondent to pass orders on the representation within three months from the date of receipt of a copy of this judgment. Learned counsel for the petitioner submitted that the petitioner is proposing to file a comprehensive representation raising all the contentions along with documents. He may do so. Such representation should also be considered by the second respondent and pass orders.

Writ Petitions are disposed of as above.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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